

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
+ + + + +
MEETING

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IN THE MATTER OF: :
 :
Allure Lounge, LLC :
t/a Allure Lounge :
711 H Street NE :
Retailer CT - ANC 6A :
License No. 108303 :
Case #22-PRO-00143 :
 :
(Application to Renew :
the License) :
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Wednesday
February 15, 2023

The Alcoholic Beverage Control Board
met via WebEx videoconference, Chairperson
Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
BOBBY CATO, JR., Member
EDWARD S. GRANDIS, Member
JENI HANSEN, Member
JAMES SHORT, JR., Member

ALSO PRESENT:

JOSE ORELLANA, DC ABRA Staff
DOUGLAS CROCKER, Applicant Counsel
ZERIHUN AMENTE, Applicant
GRAHAM GROSSMAN, ANC 6C
JOEL KELTY, ANC 6C

1 P-R-O-C-E-E-D-I-N-G-S

2 (10:48 a.m.)

3 CHAIRPERSON ANDERSON: All right. The
4 next case on our calendar is Case Number 22-PRO-
5 00143, Allure Lounge, License Number 108303.

6 Mr. Orellana, can you please elevate
7 the rights of the parties in this case, please?

8 MR. ORELLANA: Your access has been
9 elevated. Graham Grossman, your access has been
10 elevated.

11 That appears to be all, Chairman.

12 CHAIRPERSON ANDERSON: Mr. Kelty, is
13 this your case, sir?

14 MR. KELTY: I am representing ANC 6C,
15 but Mr. Grossman is going to take the lead on
16 this one. I'm just --

17 CHAIRPERSON ANDERSON: I just want to
18 make sure -- I just want to make sure the
19 applicant is fine. All right.

20 MR. CROCKER: I'm here as well, Mr.
21 Chairman.

22 CHAIRPERSON ANDERSON: Mr. Crocker, do
23 you have a camera you can turn on, sir?

24 MR. CROCKER: Yes, I'm here. All
25 right, can you see me now?

1 CHAIRPERSON ANDERSON: Yes, sir. Good
2 morning, sir. Can you please identify yourself
3 for the record? Spell and state your name,
4 please.

5 MR. CROCKER: Yes. My name is Mr.
6 Douglas Crocker, and I'm representing Allure
7 Lounge. The owner is also waiting to be elevated
8 as well. He's here, sir.

9 CHAIRPERSON ANDERSON: Mr. Orellana,
10 can you elevate the rights of the -- who is the
11 owner who's trying to be elevated, sir?

12 MR. CROCKER: His name is Z.

13 CHAIRPERSON ANDERSON: I'm sorry, sir.
14 I can hardly hear you, sir.

15 MR. CROCKER: Oh, I'm sorry. His name
16 is Zerihun. I have a hard time pronouncing it.
17 His name is Z.

18 CHAIRPERSON ANDERSON: Mr. --

19 MR. ORELLANA: Is it Zerihun?

20 MR. CROCKER: Yes.

21 CHAIRPERSON ANDERSON: Can the owner
22 of your establishment, do you have a camera you
23 can turn on, please?

24 MR. AMENTE: Yes, I just did. Can --

25 CHAIRPERSON ANDERSON: All right, I

1 can now see you, sir. All right, sir, good
2 morning. Can you spell and state your name for
3 the record, please?

4 MR. AMENTE: Yes. First name Z-E-R-I-
5 H-U-N, last name A-M-E-N-T-E.

6 CHAIRPERSON ANDERSON: How do you
7 pronounce it, sir? How do you say your name,
8 sir?

9 MR. AMENTE: Zerihun.

10 CHAIRPERSON ANDERSON: Your last name,
11 sir, please?

12 MR. AMENTE: Amente.

13 CHAIRPERSON ANDERSON: Mr. Amente.
14 Good morning, Mr. Amente.

15 MR. AMENTE: Good morning. Good
16 morning.

17 CHAIRPERSON ANDERSON: Mr. Grossman,
18 can you please spell and state your name for the
19 record and identify yourself, please?

20 You're on mute, Mr. Grossman. I still
21 can't hear you, sir.

22 MR. GROSSMAN: Can you hear me now?

23 CHAIRPERSON ANDERSON: Yes, I believe
24 so.

25 MR. GROSSMAN: I apologize. Thank you

1 for your patience, Mr. Chair of the Board.
2 Graham Grossman, G-R-A-H-A-M, last name Grossman,
3 G-R-O-S-S-M-A-N, representing ANC 6C.

4 CHAIRPERSON ANDERSON: Good morning.

5 Mr. Kelty, can you please spell and
6 state your name for the record, please?

7 Mr. Kelty, you're on mute.

8 MR. KELTY: Joel Kelty, J-O-E-L, last
9 name Kelty, K-E-L-T-Y, representing ANC 6C.

10 CHAIRPERSON ANDERSON: Good morning.

11 All right, good morning.

12 Mr. Crocker, are there any preliminary
13 matters in this case, please?

14 MR. CROCKER: Yes. One thing I want
15 to bring up is that when the original protest was
16 filed --

17 CHAIRPERSON ANDERSON: Hold on, Mr.
18 Crocker. You are -- I need you to be, to speak
19 clearly in the microphone because I can't hear
20 you, and I'm not sure if the court reporter is
21 hearing you to create a record.

22 MR. CROCKER: Let me grab some
23 earphones. How about that? Is that better?

24 CHAIRPERSON ANDERSON: Much better,
25 sir, yes. Go ahead, sir.

1 MR. CROCKER: Okay, great. No
2 problem.

3 Yes, the preliminary matter I'd like
4 to bring up is when the original license was
5 filed, the establishment located at 711 H Street
6 NE was located in 6C. Since then as of June of
7 last year, the mayor and the city council has
8 redrawn the district boundaries for the ANCs, and
9 now we're no longer located in 6C.

10 We're actually located over in 6A now,
11 so the initial question was one of standing,
12 which is what we reviewed initially, and then Mr.
13 Kelty, as well as Mr. Grossman, have articulated
14 initially in the original agreements that they
15 were attempting to standardize our set and
16 establish standard agreements amongst those
17 establishments that were located in 6C that had a
18 CT license.

19 So, for example, the establishment
20 that was just brought forth to the Board, you
21 know, had a similar settlement agreement sent to
22 them. I not only represent Allure Lounge, but I
23 also represent Vision Lounge. So, my question is
24 --

25 CHAIRPERSON ANDERSON: Sir -- Mr.

1 Crocker --

2 MR. CROCKER: Yes.

3 CHAIRPERSON ANDERSON: This is about
4 Allure.

5 MR. CROCKER: Yes. Yes.

6 CHAIRPERSON ANDERSON: All right. I
7 don't want any reference to any other
8 establishments, sir. What about Allure?

9 MR. CROCKER: Well, Allure now is
10 located in 6A, and it's not located in 6C, so I
11 just wanted to bring that to the Board's
12 attention initially, and that we were attempting
13 to align ourselves with other license
14 establishments that have the same type of license
15 that's now located over in 6A and not 6C.

16 CHAIRPERSON ANDERSON: So, are you
17 asking -- what is it you're asking the Agency
18 for? Are you saying that this -- are you saying
19 that the protestant does not have jurisdiction or
20 does not have standing to file this protest? Is
21 that what you're saying, sir?

22 MR. CROCKER: Actually, we do believe
23 that they do have standing just because of the
24 proximity. You know, I think that it requires --
25 I think it's 600 feet, I think, is the distance

1 that the Agency is located in, and we're kind of
2 curious to, does that mean, like, from the
3 boundary lines or what. That's not clearly
4 stated.

5 So, yes, we do challenge, do they
6 actually have standing and then their request to
7 standardize the agreements, you know, that would
8 be standardized agreements for establishments
9 that are located in 6C. We're no longer located
10 in 6C. We're located in 6A, so we just ask that
11 the Board take that into consideration.

12 And that we responded back to Mr.
13 Kelty, as well as Mr. Graham, with an agreement
14 from an establishment that's located in 6A, so if
15 their argument is that they're trying to
16 standardize the settlement agreements for
17 establishments located in 6C, we're no longer
18 located in 6C. We're located in 6A.

19 CHAIRPERSON ANDERSON: All right. I
20 just want to get clarification, sir. If you're
21 making -- if you're raising an argument on
22 standing, then I'm going to ask you to file a
23 formal motion challenging the jurisdiction, and
24 the Board will review that and make a
25 determination, so if that's what you're doing,

1 then I'm asking you to file a formal motion and
2 the Board -- in writing -- and the Board will
3 address that.

4 That's the only thing I can do. I'm
5 not going to take oral arguments on that issue
6 today. All right. So, we know that's the issue.

7 I'm coming, Mr. Grossman.

8 So, if that's an issue that you're
9 raising, please file a formal motion, and the
10 Board -- and the Agency will address that, okay?

11 Does that satisfy your inquiry, sir?
12 Is that correct?

13 MR. CROCKER: Yes, it does. Yes, it
14 does. Thank you much.

15 CHAIRPERSON ANDERSON: You're welcome.
16 Mr. Grossman?

17 MR. GROSSMAN: Thank you, Mr. Chair.
18 A point of order. The ANC would like to notify
19 the Board that we have not been served with an
20 affidavit of representation or with ABRA's
21 attorney representative designation form by the
22 Applicant's representative.

23 We understand Mr. Crocker is not an
24 attorney. The ANC feels that the participation
25 of the current Applicant's representative has

1 prevented the Applicant from being properly or
2 justly represented in the proceedings.

3 We, therefore, request that the Board
4 either or both the current Applicant's
5 representative be barred from further
6 participation in the proceedings, and/or we ask
7 the Board strongly encourage or compel the
8 Applicant to seek professional legal counsel
9 pursuant to DCMR 23-1706.

10 CHAIRPERSON ANDERSON: Mr. Grossman,
11 thank you for the representation you have made,
12 however, that's not -- the Board cannot make that
13 type of determination. It's my understanding
14 that Mr. Crocker has provided the Agency the
15 proper designation that -- hold on, Mr. Kelty.

16 I have been informed by our legal
17 office that he's the representative of this
18 licensee, so, therefore, that is what I've been
19 told, and, so, therefore, what that says to me is
20 that he has provided the Agency with
21 documentation that he's the representative of the
22 licensee.

23 I might be sympathetic with the ANC,
24 but as far as the Board is concerned, this is --
25 he is the designated representative for this

1 licensee, and we cannot get involved in that type
2 of issue, sir, okay?

3 MR. GROSSMAN: Is it fair, Mr.
4 Chairman, to ask that the representative provide
5 and serve the ANC as is required in the municipal
6 regulations to the ANC?

7 CHAIRPERSON ANDERSON: What you're
8 referring to -- Mr. Amente?

9 MR. AMENTE: Yes.

10 CHAIRPERSON ANDERSON: Is Mr. Crocker
11 your representative, sir?

12 MR. AMENTE: Yes.

13 CHAIRPERSON ANDERSON: We're at a
14 protest hearing status. The licensee has placed
15 on the record that Mr. Crocker is his
16 representative, so --

17 MR. GROSSMAN: Thank you, sir.

18 CHAIRPERSON ANDERSON: So, Mr. --

19 MR. KELTY: Can I ask a question?

20 CHAIRPERSON ANDERSON: I'm sorry.
21 Yes, Mr. Kelty.

22 MR. KELTY: I just want to call to the
23 Board's attention, there is a statutory
24 requirement to serve the protestants, in this
25 case, the ANC, prior to appearing before the

1 Board. It's under Title 23, Section 1707.1 and
2 2.

3 And regarding Mr. Graham's request
4 that the Board urge the Applicant to obtain
5 competent counsel, the Board has the authority to
6 urge the Applicant to do so under 1706.7. Now,
7 we can't compel the Applicant to hire an
8 attorney, but the ANC believes it would be in all
9 parties' best interests. And I do note that the
10 Board has the authority to make such a
11 recommendation if not compel.

12 CHAIRPERSON ANDERSON: Mr. Crocker has
13 -- Mr. Cocker, I would ask that you file the
14 appropriate form. I know that you have entered
15 your appearance with the Agency to represent the
16 licensee at this hearing. I will ask, sir, that
17 you comply with the regulation and file the
18 appropriate form pursuant to the regulations in
19 the record, sir.

20 MR. CROCKER: Okay.

21 CHAIRPERSON ANDERSON: All right. So,
22 I'm --

23 MR. CROCKER: We submitted an email
24 from my client to the Board. If that's not
25 appropriate -- okay.

1 CHAIRPERSON ANDERSON: Now, Mr.
2 Crocker, there are two different things, sir.

3 MR. CROCKER: Okay.

4 CHAIRPERSON ANDERSON: I'm not
5 questioning your authority to represent Mr.
6 Amente at this hearing, sir. You have complied
7 with our procedure that you have informed the
8 Agency that you are representing him at the
9 hearing.

10 What has been requested, sir, is that
11 you -- I don't have the, like, the regulations in
12 front of me, but you can, please, contact Ms.
13 Walker. Ms. Walker will provide you the
14 documentation that the Agency is requesting for
15 you to file, sir, okay?

16 MR. CROCKER: Yes, sir

17 CHAIRPERSON ANDERSON: And I'm not
18 going to go into whether or not Mr. Crocker is
19 competent. He's a non-attorney representative
20 for this matter. I'm in no position at this
21 juncture to make any determination whether or not
22 he is competent or not, but I think that you have
23 made your position clear to the licensee, and so
24 we're hoping that the licensee will listen to
25 what you have to say and make the appropriate

1 determination about who is it he wants to
2 represent him in this matter, okay?

3 MR. GROSSMAN: Thank you, Mr.
4 Chairman.

5 CHAIRPERSON ANDERSON: All right. If
6 this matter is now settled, then -- I'm sorry. A
7 protest hearing is scheduled for March 15th at
8 1:30 p.m.

9 Now, I want to advise all the parties
10 that if this matter goes to a protest hearing,
11 seven days before the hearing, the parties are
12 required to file a PIP.

13 Mr. Crocker?

14 MR. CROCKER: Yes, sir.

15 CHAIRPERSON ANDERSON: I need your
16 full attention, sir. Seven days before the
17 hearing, if this matter goes to a protest
18 hearing, sir, seven days before the hearing, the
19 protestant and the licensee are required to file
20 a PIP. And this PIP must be served on the
21 opposing party and also ABRA legal.

22 Failure by either side to file a PIP,
23 the Board is empowered to prevent that side from
24 relying on documents and witnesses that have not
25 been disclosed, that have not been disclosed

1 seven days prior to the hearing.

2 Is there any questions by anyone on
3 that requirement?

4 MR. CROCKER: No.

5 CHAIRPERSON ANDERSON: Thank you.
6 Further, you have one hour to present your case,
7 and you're limited to no more than five
8 witnesses.

9 Either side, if you have any
10 questions, please reach out to ABRA legal, and we
11 will provide further information, but within a
12 short period of time, you'll get information from
13 ABRA legal -- hold on one minute, please -- let
14 me see -- within the next (audio interference).

15 Following this hearing, you will
16 receive an email from ABRA legal that will
17 include a copy of a protest information form PIP
18 and a copy of the exhibit form, as well as
19 specific instructions for the hearing.

20 Any questions by anyone?

21 All right.

22 MR. CROCKER: No.

23 CHAIRPERSON ANDERSON: All right,
24 hearing none, good luck with your conversations
25 to see if this matter can be settled. If this

1 matter cannot be settled, then we'll see you at
2 our protest hearing on March 15th at 1:30 p.m.,
3 okay?

4 All right. Thank you very much. Have
5 a great day.

6 (Whereupon, the above-entitled matter
7 went off the record at 11:06 a.m.)
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A	B	C	D	E	F	G	H
<p>A-M-E-N-T-E 4:5 a.m 2:2 16:7 above-entitled 16:6 ABRA 1:21 14:21 15:10 15:13,16 ABRA's 9:20 access 2:8,9 address 9:3,10 advise 14:9 affidavit 9:20 Agency 7:17 8:1 9:10 10:14,20 12:15 13:8 13:14 agreement 6:21 8:13 agreements 6:14,16 8:7 8:8,16 ahead 5:25 Alcoholic 1:2,13 align 7:13 Allure 1:6,6 2:5 3:6 6:22 7:4,8,9 Amente 1:22 3:24 4:4,9 4:12,12,13,14,15 11:8 11:9,12 13:6 ANC 1:7,22,23 2:14 5:3 5:9 9:18,24 10:23 11:5,6,25 12:8 ANCs 6:8 and/or 10:6 Anderson 1:14,17 2:3 2:12,17,22 3:1,9,13 3:18,21,25 4:6,10,13 4:17,23 5:4,10,17,24 6:25 7:3,6,16 8:19 9:15 10:10 11:7,10,13 11:18,20 12:12,21 13:1,4,17 14:5,15 15:5,23 apologize 4:25 appearance 12:15 appearing 11:25 appears 2:11 applicant 1:21,22 2:19 10:1,8 12:4,6,7 Applicant's 9:22,25 10:4 Application 1:9 appropriate 12:14,18 12:25 13:25 argument 8:15,21 arguments 9:5 articulated 6:13 asking 7:17,17 9:1 attempting 6:15 7:12 attention 7:12 11:23 14:16 attorney 9:21,24 12:8</p>	<p>audio 15:14 authority 12:5,10 13:5</p> <hr/> <p>back 8:12 barred 10:5 believe 4:23 7:22 believes 12:8 best 12:9 better 5:23,24 Beverage 1:2,13 Board 1:2,13 5:1 6:20 8:11,24 9:2,2,10,19 10:3,7,12,24 12:1,4,5 12:10,24 14:23 Board's 7:11 11:23 BOBBY 1:17 boundaries 6:8 boundary 8:3 bring 5:15 6:4 7:11 brought 6:20</p> <hr/> <p>calendar 2:4 call 11:22 camera 2:23 3:22 case 1:8 2:4,4,7,13 5:13 11:25 15:6 CATO 1:17 Chair 5:1 9:17 Chairman 2:11,21 11:4 14:4 Chairperson 1:14,17 2:3,12,17,22 3:1,9,13 3:18,21,25 4:6,10,13 4:17,23 5:4,10,17,24 6:25 7:3,6,16 8:19 9:15 10:10 11:7,10,13 11:18,20 12:12,21 13:1,4,17 14:5,15 15:5,23</p> <p>challenge 8:5 challenging 8:23 city 6:7 clarification 8:20 clear 13:23 clearly 5:19 8:3 client 12:24 Cocker 12:13 COLUMBIA 1:1 coming 9:7 compel 10:7 12:7,11 competent 12:5 13:19 13:22 complied 13:6 comply 12:17 concerned 10:24 consideration 8:11</p>	<p>contact 13:12 Control 1:2,13 conversations 15:24 copy 15:17,18 correct 9:12 council 6:7 counsel 1:21 10:8 12:5 court 5:20 create 5:21 Crocker 1:21 2:20,22 2:24 3:5,6,12,15,20 5:12,14,18,22 6:1 7:1 7:2,5,9,22 9:13,23 10:14 11:10,15 12:12 12:20,23 13:2,3,16,18 14:13,14 15:4,22 CT 1:7 6:18 curious 8:2 current 9:25 10:4</p> <hr/> <p>day 16:5 days 14:11,16,18 15:1 DC 1:21 DCMR 10:9 designated 10:25 designation 9:21 10:15 determination 8:25 10:13 13:21 14:1 different 13:2 disclosed 14:25,25 distance 7:25 district 1:1 6:8 documentation 10:21 13:14 documents 14:24 doing 8:25 Donovan 1:14,17 Douglas 1:21 3:6</p> <hr/> <p>earphones 5:23 EDWARD 1:18 either 10:4 14:22 15:9 elevate 2:6 3:10 elevated 2:9,10 3:7,11 email 12:23 15:16 empowered 14:23 encourage 10:7 entered 12:14 establish 6:16 establishment 3:22 6:5 6:19 8:14 establishments 6:17 7:8,14 8:8,17 example 6:19 exhibit 15:18</p>	<p>Failure 14:22 fair 11:3 far 10:24 February 1:12 feels 9:24 feet 7:25 file 7:20 8:22 9:1,9 12:13,17 13:15 14:12 14:19,22 filed 5:16 6:5 fine 2:19 First 4:4 five 15:7 Following 15:15 form 9:21 12:14,18 15:17,18 formal 8:23 9:1,9 forth 6:20 front 13:12 full 14:16 further 10:5 15:6,11</p> <hr/> <p>G-R-A-H-A-M 5:2 G-R-O-S-S-M-A-N 5:3 go 5:25 13:18 goes 14:10,17 going 2:15 8:22 9:5 13:18 good 3:1 4:1,14,15,15 5:4,10,11 15:24 grab 5:22 Graham 1:22 2:9 5:2 8:13 Graham's 12:3 GRANDIS 1:18 great 6:1 16:5 Grossman 1:22 2:9,15 4:17,20,22,25 5:2,2 6:13 9:7,16,17 10:10 11:3,17 14:3</p> <hr/> <p>H 1:7 6:5 H-U-N 4:5 HANSEN 1:18 hard 3:16 hear 3:14 4:21,22 5:19 hearing 1:7 5:21 11:14 12:16 13:6,9 14:7,10 14:11,17,18,18 15:1 15:15,19,24 16:2 hire 12:7 hold 5:17 10:15 15:13 hoping 13:24 hour 15:6</p>				

I	M	placed 11:14	S
identify 3:2 4:19	making 8:21	please 2:6,7 3:2,4,23	9:25 10:5,17,21,25
include 15:17	March 14:7 16:2	4:3,11,18,19 5:5,6,13	11:4,11,16 13:19
information 15:11,12	matter 1:5 6:3 13:20	9:9 13:12 15:10,13	represented 10:2
15:17	14:2,6,10,17 15:25	point 9:18	representing 2:14 3:6
informed 10:16 13:7	16:1,6	position 13:20,23	5:3,9 13:8
initial 6:11	matters 5:13	preliminary 5:12 6:3	request 8:6 10:3 12:3
initially 6:12,14 7:12	mayor 6:7	present 1:16,20 15:6	requested 13:10
inquiry 9:11	mean 8:2	presiding 1:14	requesting 13:14
instructions 15:19	MEETING 1:3	prevent 14:23	required 11:5 14:12,19
interests 12:9	Member 1:17,18,18,19	prevented 10:1	requirement 11:24 15:3
interference 15:14	met 1:14	prior 11:25 15:1	requires 7:24
involved 11:1	microphone 5:19	problem 6:2	responded 8:12
issue 9:5,6,8 11:2	minute 15:13	procedure 13:7	Retailer 1:7
J	morning 3:2 4:2,14,15	proceedings 10:2,6	review 8:24
J-O-E-L 5:8	4:16 5:4,10,11	professional 10:8	reviewed 6:12
JAMES 1:19	motion 8:23 9:1,9	pronounce 4:7	right 2:3,19,25 3:25 4:1
JENI 1:18	municipal 11:5	pronouncing 3:16	5:11 7:6 8:19 9:6
Joel 1:23 5:8	mute 4:20 5:7	proper 10:15	12:21 14:5 15:21,23
JOSE 1:21	N	properly 10:1	16:4
JR 1:17,19	name 3:3,5,12,15,17	protest 1:7 5:15 7:20	rights 2:7 3:10
juncture 13:21	4:2,4,5,7,10,18 5:2,6	11:14 14:7,10,17	
June 6:6	5:9	15:17 16:2	S 1:18
jurisdiction 7:19 8:23	NE 1:7 6:6	protestant 7:19 14:19	satisfy 9:11
justly 10:2	need 5:18 14:15	protestants 11:24	saying 7:18,18,21
K	non-attorney 13:19	provide 11:4 13:13	says 10:19
K-E-L-T-Y 5:9	note 12:9	15:11	scheduled 14:7
Kelty 1:23 2:12,14 5:5,7	notify 9:18	provided 10:14,20	Section 12:1
5:8,8,9 6:13 8:13	Number 2:4,5	proximity 7:24	see 2:25 4:1 15:14,25
10:15 11:19,21,22	O	pursuant 10:9 12:18	16:1
kind 8:1	obtain 12:4	Q	seek 10:8
know 6:21 7:24 8:7 9:6	office 10:17	question 6:11,23 11:19	sent 6:21
12:14	Oh 3:15	questioning 13:5	serve 11:5,24
L	okay 6:1 9:10 11:2	questions 15:2,10,20	served 9:19 14:20
lead 2:15	12:20,25 13:3,15 14:2	R	set 6:15
legal 10:8,16 14:21	16:3	raising 8:21 9:9	settled 14:6 15:25 16:1
15:10,13,16	opposing 14:21	reach 15:10	settlement 6:21 8:16
license 1:8,10 2:5 6:4	oral 9:5	receive 15:16	seven 14:11,16,18 15:1
6:18 7:13,14	order 9:18	recommendation 12:11	short 1:19 15:12
licensee 10:18,22 11:1	Orellana 1:21 2:6,8 3:9	record 3:3 4:3,19 5:6,21	side 14:22,23 15:9
11:14 12:16 13:23,24	3:19	11:15 12:19 16:7	similar 6:21
14:19	original 5:15 6:4,14	redrawn 6:8	sir 2:13,23 3:1,2,8,11
limited 15:7	owner 3:7,11,21	reference 7:7	3:13,14 4:1,1,7,8,11
lines 8:3	P	referring 11:8	4:21 5:25,25 6:25 7:8
listen 13:24	P-R-O-C-E-E-D-I-N-G-S	regarding 12:3	7:21 8:20 9:11 11:2
LLC 1:6	2:1	regulation 12:17	11:11,17 12:16,19
located 6:5,6,9,10,17	p.m 14:8 16:2	regulations 11:6 12:18	13:2,6,10,15,16 14:14
7:10,10,15 8:1,9,9,10	participation 9:24 10:6	13:11	14:16,18
8:14,17,18,18	parties 2:7 14:9,11	relying 14:24	sorry 3:13,15 11:20
longer 6:9 8:9,17	parties' 12:9	Renew 1:9	14:6
Lounge 1:6,6 2:5 3:7	party 14:21	reporter 5:20	speak 5:18
6:22,23	patience 5:1	represent 6:22,23	specific 15:19
luck 15:24	period 15:12	12:15 13:5 14:2	spell 3:3 4:2,18 5:5
	PIP 14:12,20,20,22	representation 9:20	Staff 1:21
	15:17	10:11	standard 6:16
		representative 9:21,22	standardize 6:15 8:7,16
			standardized 8:8
			standing 6:11 7:20,23

8:6,22 state 3:3 4:2,18 5:6 stated 8:4 status 1:7 11:14 statutory 11:23 Street 1:7 6:5 strongly 10:7 submitted 12:23 sure 2:18,18 5:20 sympathetic 10:23	Y
	year 6:7
	Z
	Z 3:12,17 Z-E-R-I- 4:4 Zerihun 1:22 3:16,19 4:9
	0
	00143 2:5
T	1
t/a 1:6 take 2:15 8:11 9:5 thank 4:25 9:14,17 10:11 11:17 14:3 15:5 16:4 thing 5:14 9:4 things 13:2 think 7:24,25,25 13:22 time 3:16 15:12 Title 12:1 today 9:6 told 10:19 trying 3:11 8:15 turn 2:23 3:23 two 13:2 type 7:14 10:13 11:1	1:30 14:8 16:2 10:48 2:2 108303 1:8 2:5 11:06 16:7 15 1:12 15th 14:7 16:2 1706.7 12:6 1707.1 12:1
	2
	2 12:2 2023 1:12 22-PRO- 2:4 22-PRO-00143 1:8 23 12:1 23-1706 10:9
U	3
understand 9:23 understanding 10:13 urge 12:4,6	4
	5
V	6
videoconference 1:14 Vision 6:23	600 7:25 6A 1:7 6:10 7:10,15 8:10,14,18 6C 1:22,23 2:14 5:3,9 6:6,9,17 7:10,15 8:9 8:10,17,18
W	7
W 1:14,17 waiting 3:7 Walker 13:13,13 want 2:17,18 5:14 7:7 8:20 11:22 14:9 wanted 7:11 wants 14:1 we'll 16:1 we're 6:9,10 8:1,9,10,17 8:18 11:13 13:24 WebEx 1:14 Wednesday 1:11 welcome 9:15 went 16:7 witnesses 14:24 15:8 writing 9:2	711 1:7 6:5
X	

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Allure Lounge

Before: DCABRA

Date: 02-15-23

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.



Court Reporter

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